

# Notice of Allowability

Application No.

09/893,187

Examiner

Wayne Cai

Applicant(s)

VIKSE ET AL.

Art Unit

2617

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/21/2006.
2. ☒ The allowed claim(s) is/are 18-23,28-30,44-49 have been renumbered as 1-15 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |



### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2006 has been entered.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bradley Forrest (Reg. No. 30,837) on April 6, 2006.

The application has been amended as follows:

In the Claims:



**Claim 10** (Cancelled)

**Claim 12** (Cancelled)

**Claim 13** (Cancelled)

**Claim 14** (Cancelled)

**Claim 15** (Cancelled)

**Claim 16** (Cancelled)

**Claim 17** (Cancelled)

**Claim 18** (Currently Amended) A method for programming computer code at a remote platform having a local computer, the local computer including a flash memory, the method comprising:

receiving a plurality of computer code packets, wherein the plurality  
computer code packets are provided by wireless  
transmission;

storing the plurality of computer code packets in a first memory of  
the local computer, wherein the plurality of computer code  
packets comprise the computer code;

recognizing reception of a complete copy of the computer code at  
the local computer;

in response to such recognized reception, shutting down and  
rebooting the local computer;



in response to rebooting the local computer, checking the integrity of the received computer code and burning the received successfully checked computer code into the flash memory; after burning the received computer code into the flash memory, erasing the stored computer code from the first memory; and restarting the local computer.

**Claim 21** (Currently Amended) A method for updating computer code in a remote computer, comprising:

downloading a plurality of messages, each of the plurality of messages comprising a segment of the computer code; storing the downloaded computer code in non-volatile memory; detecting when a complete set of the computer code comprising a complete set of the plurality of messages have been downloaded;

in response to such detecting, rebooting the remote computer; in response to rebooting starting a computer code burn in process, comprising:

- (i) assembling the complete set of the computer code into a continuous memory,
- (ii) checking the integrity of the downloaded computer code and if valid, burning the computer code in the



- continuous memory into a flash memory of the remote computer;
- (iii) deleting the stored computer code from the non-volatile memory after it has been burned into flash memory; and
- (iv) rebooting the remote computer.

**Claim 28 (Currently Amended)** A system for programming of computer code in a local computer having a flash memory, the system comprising:

- a central location that distributes updated computer code to the local computer using a plurality of computer code packets over a wireless transmission medium;
- a receiver at the local computer that receives the updated computer code;
- a non-volatile memory at the local computer that stores the updated computer code;
- a detection module at the local computer that detects when all required computer code packets have been stored, and initiates a reboot process;
- a burner program initiated during such reboot process that checks the non-volatile memory for all required computer code packets, assembles the computer code packets into computer code, checks the integrity of the computer code,



burns the computer code into the flash memory, and erases the computer code from the stored updated computer code from the non-volatile memory; and  
a reboot program that reboots the local computer after burning the computer code into the flash memory.

**Claim 35** (Cancelled)

**Claim 36** (Cancelled)

**Claim 37**(Cancelled)

**Claim 38** (Cancelled)

**Claim 39**(Cancelled)

**Claim 40**(Cancelled)

**Claim 41**(Cancelled)

**Claim 42**(Cancelled)

**Claim 43**(Cancelled)

**Claim 44** (Currently Amended) A method for programming a computer with computer code on a remote platform, the method comprising:

receiving a plurality of wirelessly transmitted computer code packets;

storing the plurality of computer code packets in a first memory of the local computer;

recognizing reception of a complete copy of the computer code at the local computer;



in response to such recognizing reception of the complete copy,  
shutting down and rebooting the local computer;  
detecting the presence of the received computer code during such  
reboot;  
in response to detecting the presence of the received computer  
code during the reboot, checking the integrity of the received  
computer code and burning the received computer code into  
non-volatile memory of the computer;  
after the code has been burned into the non-volatile memory,  
erasing the stored computer code from the first memory; and  
restarting the local computer such that the burned in code is  
executed.

**Claim 47** (Currently Amended) A method for updating computer code in a remote  
computer, comprising:

downloading a plurality of packets, each of the plurality of packets  
comprising a segment of the computer code;  
storing the downloaded computer code in non-volatile memory;  
detecting when a complete set of the computer code comprising a  
complete set of the plurality of messages have been  
downloaded;  
upon such detecting, rebooting the remote computer;



during such rebooting, detecting the presence of the downloaded  
computer code at a specified memory location;

in response to such detecting, starting a computer code burn in  
process, comprising:

- (i) assembling the complete set of the computer code  
into a continuous memory,
- (ii) checking the integrity of the computer code and  
burning the computer code into a flash memory of the  
remote computer;
- (iii) deleting the stored computer code from the non-  
volatile memory; and
- (iv) rebooting the remote computer.

**Claim 50** (Cancelled)

**Claim 51** (Cancelled)

**Claim 52** (Cancelled)

**Claim 53** (Cancelled)

**Claim 54** (Cancelled)

**Claim 55** (Cancelled)

(END OF AMENDMENT)

***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:



Independent claims 18, 21, 28, 44, and 47 are allowable because after performing thorough search, there is no prior art either alone or in combination teaches all the limitations as recited in independent claims mentioned above. At most, the prior arts simply teach the steps of downloading and upgrading computer code, and reboot once after the computer code have been downloaded to the device to take effect. However, none of the prior arts found completely teach the step of downloading the computer code, and a clean reboot is accomplished. In addition, during the reboot, the step of detecting the presence of downloaded computer code is taken place, starting burning the computer code, and reboot the device once again to take effect. Hence, claims are allowed since the language recited in claims are details and specific, and for the reasons set forth in Remarks dated February 21, 2006, and specification, particularly illustrated in Figure 5.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wayne Cai  
Examiner  
Art Unit 2617

  
ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER

4/13/06